

REMARKS

The Examiner has objected to the drawings on the grounds that they include certain reference signs which are not mentioned in the description, namely, reference numerals 121, 132, and 402. Applicants have included a proposed drawing correction which eliminates these unnecessary reference numbers. Additionally, Applicants state that they will provide a replacement specification that replaces the paragraph numbering with line numbering as required by the Examiner.

In regard to the rejection of Claims 8 and 9 under 35 U.S.C. §1.12, paragraph 2, Applicants have modified these claims in order to overcome these rejections. Accordingly, Applicants request that the Examiner now withdraw the rejections of Claims 8 and 9 under 35 U.S.C. §1.12.

Applicants respectfully request reconsideration of the prior art rejection set forth by the Examiner under 35 U.S.C. §§102 and 103. Applicants respectfully submit that the prior art references of record, whether considered alone, or in combination, fail to either teach or suggest Applicants presently claimed invention. More specifically, Applicants note that according to the present invention, a method for purchasing, downloading or transferring audio and/or video data files through video broadcast is disclosed. In accordance with the embodiments of the invention, the user signals the set top box of the viewing system that they have interest in downloading the audio and/or video data file being offered. The box records the time and channel being viewed

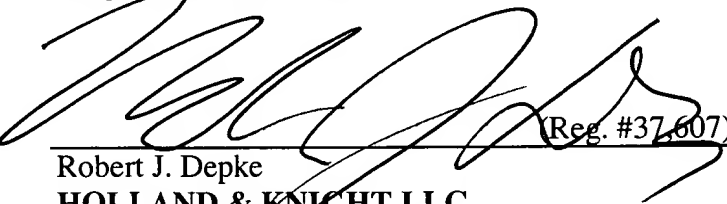
Appl. No. 09/733,824
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Reply to Office Action of January 2, 2004

and, where applicable, the user ID. Periodically the box transmits this information to the controlling server when it subsequently reports in. The server then transmits the requested data either over the Internet or by broadcasting back to the set top box where it can be downloaded to a desired format.

To more specifically define the claimed invention, Applicants have modified the claims to reflect the recording of the time and channel being viewed data so that this may be compared with a particular offer for the requested information. Applicants respectfully submit that the references of record fail to teach or suggest this advance in the art. A review of the references confirms that there is simply no teaching nor suggestion whatsoever regarding Applicants presently claimed subject matter and accordingly, Applicants respectfully request that the Examiner now withdraw the rejection and allow all claims in the application. In particular, the portion of the reference cited by the Examiner does not related to recording of time and channel that is being viewed by the user as now specified in the claims.

Respectfully submitted,

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 (Reg. #37,607)

Robert J. Depke
HOLLAND & KNIGHT LLC
131 S. Dearborn, 30th Floor
Chicago, Illinois 60603
Tel: (312) 263-3600
Attorney for Applicant



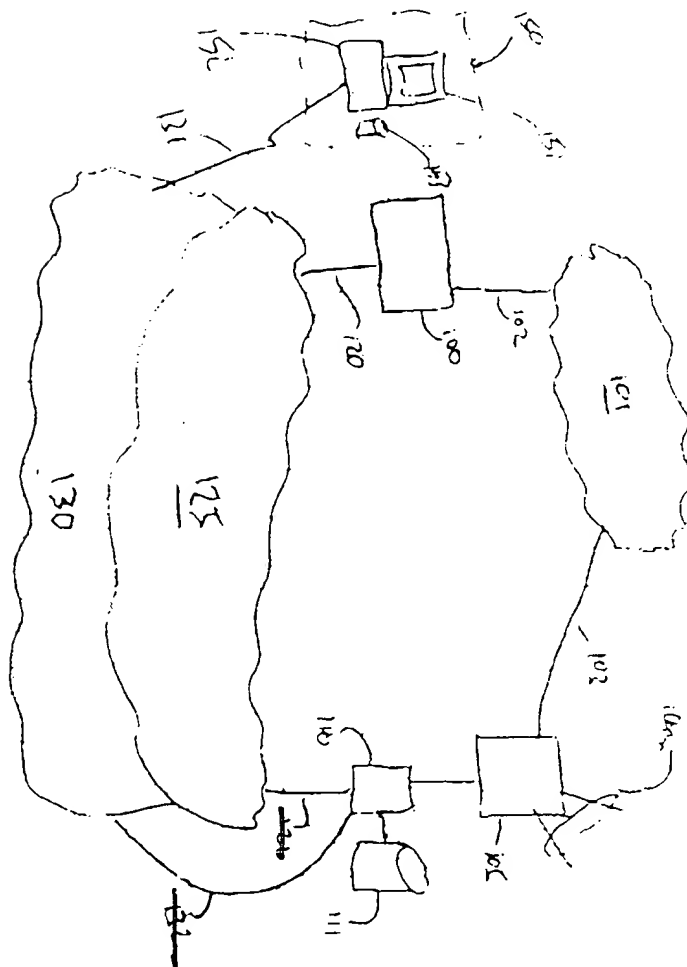
DOWNLOADING AND TRANSFER OF AUDIO AND/OR
VIDEO DATA FROM VIDEO BROADCASTS

Inventor: Leonid Gurevich et al.

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Fig 2

